

15. Plaintiff has incurred or will incur expenses to remove, repair, and replace the window systems containing the toxic insect screening. In addition, the actions of the Defendants were performed recklessly and with wanton disregard to the rights of Plaintiffs warranting an award of exemplary damages.

**WHEREFORE**, Plaintiffs pray that the Court grant judgment against Defendants, for actual damages, award exemplary damages in an appropriate amount with interest thereon at the highest lawful rate, award costs for this action, and grant such further relief as is just and proper.

#### **IV.**

#### **IMPLIED WARRANTY OF MERCHANTABILITY**

16. Plaintiffs incorporate by this reference their allegations set forth in Paragraphs 1 through 15 as is fully set forth herein.

17. When Defendants sold the window system containing the toxic insect screening, it was not fit for its ordinary purposes. Defendants' window system containing the toxic insect screening was therefore defective.

18. Plaintiffs used the window system for its ordinary and intended purposes.

19. Plaintiffs gave Defendants notice, within a reasonable time after Plaintiff became aware, that these building materials were defective and not fit for said purposes, but Defendants refused to remedy the defect.

20. As a direct and proximate result of said window system containing toxic insect screening being defective and unfit for said purposes, Plaintiffs have been damaged.

**WHEREFORE**, Plaintiffs pray that this Court grant judgment against Defendants, jointly and severally, for actual damages, award exemplary damages in an appropriate amount with interest thereon at the highest lawful rate, award costs for this action, and grant such further relief as is just and proper.

**V.**

**IMPLIED WARRANTY OF FITNESS**

21. Plaintiff incorporates by this reference its allegations set forth in Paragraphs 1 through 20 as if fully set forth herein.

22. When the toxic insect screening was sold to Plaintiffs, Defendants had reason to know the toxic insect screening would be incorporated in the Weathervane window system for installation at the Fox Run Condominium development.

23. Plaintiffs relied upon Defendants to supply products that were fit for use in its buildings, and Defendants had reason to know of that reliance.

24. When Defendants sold the window system containing the toxic insect screens, it was not fit for the particular purposes of Plaintiffs. Defendants' building materials were therefore defective.

25. Plaintiffs gave Defendants notice, within a reasonable time after Plaintiffs became aware, that the window system containing toxic screening was defective and not fit for said purposes, but Defendants refused to remedy the defect.

26. As a direct and proximate result of said defects and unfitness for said purposes, Plaintiffs have been damaged.

**WHEREFORE**, Plaintiffs pray that the Court grant judgment against Defendants, jointly and severally, for actual damages, award exemplary damages in an appropriate amount with interest thereon at the highest lawful rate, award costs for this action, and grant such further relief as is just and proper.

**VI.**

**NUISANCE**

27. Plaintiffs incorporate by this reference their allegations set forth in Paragraphs 1 through 26 as if fully set forth herein.

28. Defendants sold the window system containing toxic insect screening for installation in Plaintiffs' buildings.

29. The presence of Defendants' building materials in Plaintiffs' condominium units and their toxic nature constitute a serious hazard to the health of persons using the buildings, particularly the tenants.

30. As a direct and proximate result of the installation of Defendants' products in the condominium buildings, and their toxic nature, the presence of these products in Plaintiffs' buildings interferes unreasonably with Plaintiffs safe and uninhibited use of its building and therefore constitutes a nuisance. The actions by Defendants were performed recklessly and with wanton disregard to the rights of Plaintiffs warranting an award of exemplary damages.

**WHEREFORE**, Plaintiffs pray that the Court grant judgment against Defendants, jointly and severally, for actual damages, award exemplary damages in an appropriate amount with interest

thereon at the highest lawful rate, award costs for this action, and grant such further relief as is just and proper.

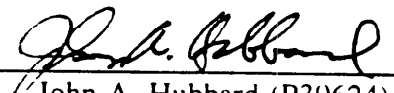
**VII.**

**DEMAND FOR JURY TRIAL OF ALL ISSUES**

Plaintiffs in the above entitled cause demand a trial by jury.

Respectfully submitted,

SIMPSON & BERRY, P.C.

By:   
John A. Hubbard (P39624)

Attorneys for Plaintiffs  
555 South Woodward  
Fifth Floor North  
Birmingham, Michigan 48009  
Telephone: (313) 647-0200

Dated: February 16, 1993

Persons reporting irritating odors from fiberglass screening products  
manufactured 1/1/88 - 7/1/89

- Carole Chase . . . . . October 1991
- Janna Hoff . . . . . October 1991
- Marion Steinberg . . . . . October 1991
- John Edwards . . . . . October 1991
  
- Diane Geryk . . . . . May 1992
- Mary Golarz . . . . . May 1992
- Sandra Leary . . . . . May 1992
- Jean Richards . . . . . August 1992
- Gertrude Kamuda . . . . . October 1992
- Lisa Kelly . . . . . October 1992
- Diane Mazze . . . . . November 1992
- Claudia Fullerton . . . . . November 1992
- Abdul Jibril . . . . . May 1993

There have been several other persons who called with questions following recent television reports but only the above listed have alleged a connection between our product and whatever condition they have.

Only five of the 13 listed above have made claims for compensation for injuries, all of which we forwarded to our insurance company. No one has filed a lawsuit against Phifer Wire seeking damages related to this problem.

Copies of correspondence with the above listed persons are attached.

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17 Latimer Lane • Simsbury, Connecticut 06070 • (203) 658-5834/527-5551 • FAX: (203) 651-5366

October 17, 1991

Mr. Dale Barnes  
Regional Sales Manager  
PHIFER WIRE PRODUCTS  
P.O. Box 1700  
Tuscaloosa, Alabama 35403-1700

Dear Mr. Barnes:

Following up on our conversation today...

I have attached a copy of the letter which was sent on June 24 to the local Velux office, which passed it along to VELUX GREENWOOD.

This has been no small matter and, frankly, the discoloration on the screens was of no consequence. The problem was the odor.

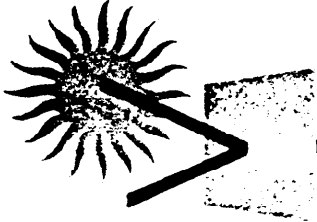
I appreciate your cooperation and look forward to receiving a copy of the pertinent MSDS material, as well as a laboratory report and/or explanation of what caused the odor, what materials escaped into the air and any other information you can supply to me at this time.

Very truly yours,

  
Marion C. Steinberg

cc. Mr. Roland Temple, VELUX GREENWOOD

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**Suntrol Window Products, Inc.**

3767 East Broadway Road, Suite 6 / Phoenix, Arizona 85040  
602 / 437-4431

October 22, 1991

Mr. Jerry Liveoak  
Phifer Wire Products  
P.O. Box 1700  
Tuscaloosa, Alabama 35403

Dear Jerry;

Per your request I am sending ten samples of defective sunscreen material for testing.

It is apparent that the handling and storage in close quarters of the defective product does indeed create some health problems. Suntrol employees have experienced respiratory problems, headaches, nausea, sore throat and an overall feeling of lethargy when working with the screen, in fact our shop foreman Ms. Nita Shrum has an appointment with her doctor this week.

Needless to say I am concerned, and would appreciate you sharing the results of the tests with me as soon as they are available.

Thank you for your concern and assistance.

Sincerely;

John N. Edwards  
President

CC: Charles Morgan

JNE/bm

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Kevin and Carole Chase  
6881 Vail Court  
Clarkston, MI 48348

April 6, 1992

Mr. Charles Morgan  
Phifer Wire Products, Inc.  
P.O. Box 1700  
Tuscaloosa, AL 35403-1700

Dear Mr. Morgan

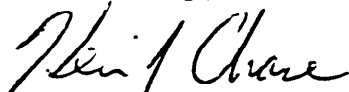
Follow up letter to our conversation on March 27, 1992, regarding the resolution of our/your fiberglass window screen problem. Specifically the ill health affects experienced by my son Brian and my wife Carole.

Attached you will find an itemized list of out of pocket expenses incurred and a sum in the amount of \$25,000.00 for needless pain and suffering for my family.

Mr. Morgan, by the cooperation you have already displayed I am sure you are a reasonable man and your company a respected corporate citizen. My family and I would like to see quick resolve to this painful issue so we may go on and lead a normal, healthy life of breathing uncontaminated air in our home.

Please feel free to call me at home (313) 391-3972, or my office (313)643-9444, to discuss this matter further.

Sincerely,

  
Kevin J. Chase

KJC/cmc

Enclosures

cc: Matthew Norris - Attorney

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# PHIFER WIRE PRODUCTS, INC.

P. O. BOX 1700 • TUSCALOOSA, ALABAMA 35403-1700 U.S.A.

■ CHARLES E. MORGAN  
Executive Vice President and Corporate Counsel

May 27, 1992

Ms. Sandra Leary  
9 Plantation Road  
Hatfield, Massachusetts 01038

VIA EXPRESS MAIL

Dear Ms. Leary:

Enclosed is a copy of the toxicologist's report that I promised to send you in our telephone conversation yesterday. Dr. Robert Meeks performed an in depth analysis of odors emitted by fiberglass insect screening that we manufactured about the same time as the screening installed in your home. Dr. Meeks' report is fairly technical, but we were pleased to see that he concludes that "Since these are all irritant effects it is to be expected that once the offending agent was removed, then these symptoms should reverse themselves and the health status should revert back to normal" and "that chronic or long-term effects resulting from exposure to these agents is not to be expected."

If you have any questions regarding our material or this report, please feel free to call me or Dr. Meeks directly. My toll free number is 800-633-5955.

Sincerely yours,

PHIFER WIRE PRODUCTS, INC.

*Charles Morgan*  
Charles Morgan

CM:jh

Enclosure

cc: Frank Marshall  
Velux America  
Great Ponds Industrial Park  
240 Kenneth Welch Drive  
Lakeville, MA 02347

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Mr. Charles Morgan  
Phifer Wire Products Inc.  
P.O. Box 1700  
Tuscaloosa, Alabama 35403

June 29, 1992

Dear Mr. Morgan:

This correspondence is in reference to the problems identified with the fiberglass screens found in our home. Our concern surrounds the toxic fumes which were emitted from the defective screens manufactured by Phifer Wire. We cannot determine the nature, if any, of such impact until the passage of time. What we do know is that we had hazardous materials in our home which your company knew about yet did not act upon responsibly in order to notify customers of possible health risks.

To complicate our particular situation, we have a five year old son, Robbie who has asthma that was severely affected by these defective screens. His bedroom has a southern exposure which was in direct sunlight most of the day. Because of the strong irritating odor in his room, we first identified the problem there. After weeks of searching (including washing windows, screens, curtains and furnace filters) we called the local fire department in desperation, fearing there was an electrical fire somewhere in the walls. It was then that the firemen identified the source of the dangerous fumes.

It was such a relief for us to discover the cause of the obnoxious odor that had plagued our home for all those months. Trying to avoid it was impossible, and for our son it was more than just a "nasty smell". These fumes were a constant irritant to his airways, causing numerous bouts of asthmatic episodes. **There were times when we physically carried our son out of his room in our arms as he was gasping for air due to sleeping there on a warm sunny day.**

The impact of the screens on our son's respiratory system was very evident. Since moving in to our home, his breathing problems escalated. Suddenly we were visiting the pediatrician and the hospital more and more frequently for asthma related problems. When he would get sick, the asthma would flare out of control. Seeking relief the pediatrician prescribed Pulmo Aid aerosolizing machine to deliver medications. With no improvement we searched for an asthma and allergy specialist to help improve matters. Medication after medication was introduced up to the point where we were relying on steroids to assist our son in breathing normally.

Upon removal of the screens, we noticed immediate improvement in Robbie's ability to breathe. However, the long-term implications are still unknown and the needless pain and suffering already endured cannot be ignored.

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We feel strongly that this frustrating and frightening episode in our lives has taken its toll in many different ways. To summarize:

1. It was devastating for us to watch our son struggling to breathe and not identify the source of the problem.
2. It was frustrating (to the point of tears!) not to pinpoint the odor for so many months.
3. It exacerbated Robbie's asthma, causing him frequent episodes of breathlessness and difficulty breathing.
4. It forced Robbie to suffer greatly... through numerous examinations, injections, blood tests, treatments etc.
5. The fumes constantly irritated his airways, causing, his asthma to flare with every slight episode of illness.
6. It demanded we use strong frightening medications for our son that carry very serious side-effects.
7. It forced us to avoid inhabiting the severely affected rooms on sunny warm days.
8. It resulted in several missed days of work and preschool.
9. It resulted in many, many sleepless nights for the whole family due to either the wheezing or the hyperactive behavior caused by theophylline medications.

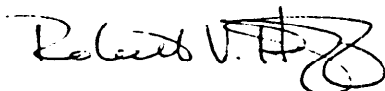
During this desperate time, we were advised to rid our home of any and all potential environmental irritants. As a part of that exercise, our asthma and allergy specialist directed we put our pet, a cat of eight years with the family, to sleep to help improve Robbie's asthma condition. We have grave doubts now, in light of the improvement we have seen from the removal of the screens, that this was actually necessary. This is truly one of our deepest regrets.

We are seeking reimbursement for our several thousand dollars of out-of-pocket expenses incurred plus damages for undue pain and suffering in the amount of \$35,000.

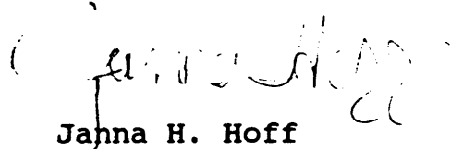
We trust that you are as anxious to rectify this situation as quickly as we are so we can put these unfortunate experiences behind us. Therefore, we are requesting a response from you by July 15, 1992 or we will consult with our legal counsel regarding further actions.

Thank you for your prompt attention.

Sincerely,



Robert V. Hoff



Jahna H. Hoff

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LARKIN & SAMOLEWICZ  
ATTORNEYS AT LAW

WILLIAM J. LARKIN  
STEVEN E. SAMOLEWICZ

8 BRIDGE STREET  
NORTHAMPTON, MASSACHUSETTS 01060  
TELEPHONE: 413/586-5622  
FAX: 413/586-5136

August 6, 1992

Mr. Charles Morgan  
Phifer Wire Products  
PO Box 1700  
Tuscaloosa, AL 35403-1700

RE: Walter and Diane Geryk

Dear Mr. Morgan:

I am in receipt of your response letter dated July 1, 1992. After discussing the matter at length with Diane and Walter Geryk, it is their desire to have the screens tested in their home in a controlled environment. It is our understanding that the cost associated with such testing will be the responsibility of your company.

To help facilitate matters, it would be my intention to inquire as to the availability of EnviroCorp in Westfield, MA to conduct the test which you refer to in your letter. I would hope that Mr. Rusczyk will be able to discuss this matter with Dr. Weeks prior to beginning any tests. I will also attempt to obtain an estimated cost of such test to forward to you.

As I stated earlier, the Geryk's main concern is the anxiety of not knowing what, if any, health hazards may result in the future due to the exposure to these potentially harmful chemicals. The Geryk's, including their young children, did suffer from severe headaches, prolonged sore throats and extended running of the eyes and nose. Again, it was the not knowing what was causing their illness that caused and continues to cause their great concern and anxiety. Indeed, they have suffered out-of-pocket damages as a result of tearing the room addition apart in their effort to determine the source of the offending odor. However, they also have suffered physically from exposure to the offending agents. In addition, they lost the use and enjoyment of this new addition to their home. And, most

importantly, they suffer from the fear of the possibility that their exposure to these offensive agents may result in adverse health effects in the future. The Geryk's are extremely concerned and quite upset by this whole ordeal. Again, we appreciate your cooperation to this point, however, it is our belief that this is a very serious matter that the Geryk's intend to pursue to their full satisfaction.

I will be in contact with you when efforts to set-up the testing are completed. Please call me if you have any questions.

Sincerely,

  
William J. Larkin

cc: Frank Marshall  
Velux America  
Great Ponds Industrial Park  
240 Kenneth Walch Drive  
Lakeville, MA 02347

Mr. and Mrs. Walter Geryk  
12 Plantation Road  
Hatfield, MA 01038



# PHIFER WIRE PRODUCTS, INC.

P. O. Box 1700 • Tuscaloosa, Alabama 35403 U.S.A.  
Telephone: 205/345-2120 • Telex: 261326 (PHIF UR)

Please reply to:

FAX # 205/759-4450

## FACSIMILE CORRESPONDENCE

To: Mr. William J. Larkin  
Larkin & Samolewicz

Fax No. 413/586-5136

Date: 9/14/92

From: Charles Morgan

No. of Pages: 1

Re: Mr. & Mrs. Walter Geryk

Dear Mr. Larkin:

I received your fax of September 9 and the Envirocomp air sampling proposal for the Geryk residence. Phifer Wire will pay 100% of the cost of air sampling and testing at the Geryk residence, but after discussing the proposed procedures with our toxicologist, we feel that the procedures outlined in the proposal are somewhat excessive and redundant.

Please refer to the second paragraph under the section SCOPE & DETAILS on page 1. It appears that Encivoncomp is proposing three separate samplings - two samplings for use in the GC/MS method and a third sampling using direct reading instrumentation. Our expert advises us that one sampling is all that is needed to both identify and quantify specific chemicals using the GC/MS method. He also advises us that the direct reading instrumentation proposed is a less sensitive method than the GC/MS and is not likely to reveal anything not already determined in the GC/MS sampling and testing.

Please ask Environcomp to quote us a price for making one trip to the home for a single sampling followed by identification and quantification of chemicals, research and report. If, after receiving the initial report, it appears that further testing could be of some value to either party, we will consider more sampling and testing at that point.

If you or your environmental consultant would like to discuss this further with me or directly with Dr. Meeks, please give one of us a call.

Sincerely yours,

PHIFER WIRE PRODUCTS, INC.

*Charles Morgan*  
Charles Morgan

cc: Dr. Robert G. Meeks  
Department of Environmental Health Sciences  
University of Alabama School of Public Health  
Direct tel. 205/934-7204

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LARKIN & SAMOLEWICZ  
ATTORNEYS AT LAW

WILLIAM J. LARKIN  
STEVEN E. SAMOLEWICZ

8 BRIDGE STREET  
NORTHAMPTON, MASSACHUSETTS 01060  
TELEPHONE: 413/586-5622  
FAX: 413/586-5136

September 16, 1992

Mr. Charles Morgan  
Phifer Wire Products  
PO Box 1700  
Tuscaloosa, AL 35403-1700

RE: Walter and Diane Geryk

Dear Mr. Morgan:

In following up the information I telefaxed to you on September 9, 1992, I have enclosed copies of Mr. Rusczek's proposal for testing at the Geryk's residence along with a copy of your letter of July 1, 1992 indicating that Phifer Wire would be willing to pay the cost of such testing.

It is our hope that the testing may be able to determine whether the Geryk's and their children were exposed to any possible health risks. If you would like to review this proposal with Dr. Meeks please do so. We are open to suggestions on how to proceed with resolving this issue. Mr. Rusczek has expressed a willingness to speak with Dr. Meeks as well.

Please contact me at your earliest convenience so that I may respond to Mr. Rusczek's proposal.

Thank you for your cooperation.

Sincerely,



William J. Larkin

cc: Frank Marshall  
Velux America  
Great Ponds Industrial Park

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# PHIFER WIRE PRODUCTS, INC.

P. O. Box 1700 • Tuscaloosa, Alabama 35403 U.S.A.  
Telephone: 205/345-2120 • Telex: 261326 (PHIF UR)

Please reply to:  
FAX # \_\_\_\_\_

## FACSIMILE CORRESPONDENCE

To: *Mr. William Larkin*

Date: *9/22/92*

From: *Charles Morgan*

No. of Pages: *2*

Re: *air sample testing at Geryk home*

*I just received your Sep. 22 Fax. Envirocomp  
proposal is acceptable. Thanks for prompt response  
to my earlier fax.*

*Charles Morgan*

*86*

LARKIN & SAMOLEWICZ  
ATTORNEYS AT LAW

WILLIAM J. LARKIN  
STEVEN E. SAMOLEWICZ

8 BRIDGE STREET  
NORTHAMPTON, MASSACHUSETTS 01060  
TELEPHONE: 413/586-5622  
FAX: 413/586-5136

January 15, 1993

Mr. Charles Morgan  
Phifer Wire Products  
PO Box 1700  
Tuscaloosa, AL 35403-1700

RE: Walter and Diane Geryk

Dear Mr. Morgan:

Enclosed please find a copy of the report from Envirocomp relative to testing performed at the residence of Walter and Diane Geryk. I have also enclosed the bill for such testing which you had previously agreed to pay. Envirocomp is anxiously awaiting payment. Please accept my apology for the delay in sending you this information, it took time to review it with my clients.

In speaking with my clients, they are adamant that a proper representative test can only be accomplished in a setting consistent with the conditions present when they experienced the severe smell and the associated effects of such smell. Since the difficulties arose when the temperature and humidity were high, a true representative test can only be accomplished under similar circumstances. This option has been discussed with Mr. Rusczek from Envirocomp and he too is of the opinion that such testing would be beneficial. Certainly, it would be our hope that Phifer would be willing to agree to further testing. It is our belief that it is the only way to obtain a clear understanding of how the Geryk's suffered in their home.

In the alternative, if Phifer is inclined to settle this matter short of further testing and to prevent any future legal proceedings, the Geryks' have indicated a willingness to listen if the offer is very substantial. Again, they suffered greatly, both by the inability to enjoy the use of their home and the severe anxiety associated with not knowing the cause of the odor nor its potential health related effects. My clients would accept a confidentiality agreement as part of any settlement, which I suggest is important considering the unliklihood that this is an

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isolated incident.

Again, my clients are willing to wait for further testing if Phifer is agreeable. If Phifer is inclined to make a substantial offer, my clients will listen. However, it is their intent to pursue this matter fully and are prepared to proceed accordingly if a settlement is not very substantial.

I look forward to hearing your thoughts on this matter in the near future.

Sincerely,



William J. Larkin

cc: Walter and Diane Geryk

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LARKIN & SAMOLEWICZ  
ATTORNEYS AT LAW

WILLIAM J. LARKIN  
STEVEN E. SAMOLEWICZ

8 BRIDGE STREET  
NORTHAMPTON, MASSACHUSETTS 01060  
TELEPHONE: 413/586-5622  
FAX: 413/586-5136

April 12, 1993

Mr. Charles Morgan  
Phifer Wire Products  
PO Box 1700  
Tuscaloosa, AL 35403-1700

RE: Walter and Diane Geryk  
Defective Screens

Dear Mr. Morgan:

In preparing a response to your correspondence of January 26, 1993 relative to the Envirocomp testing, it was brought to my attention that the new screens provided to the Geryks have presented the same problem of emitting an obnoxious odor. This information has been relayed to both Phifer Wire and to Velux Windows. It is my understanding that the Geryks were told to obtain new screening and Phifer will be responsible for the costs.

Upon hearing this, I contacted Velux Windows Customer Service and was informed that they are quite concerned about this and in fact have been in contact with Phifer relative to their concerns. It is my understanding that Velux intends to send a representative to the Geryk's residence, when the weather warms, to test the screens and to experience the odor.

It is apparent from my conversations with Velux that they consider this a serious matter and that Phifer is aware of their concerns. In light of this new development, I would again strongly urge Phifer to join with Velux and/or Envirocomp in further testing these screens in the Geryk's home under the conditions which have caused them such discomfort and anguish. I believe Velux plans on coming out to the Geryk's residence some time in May or June. They will notify me of their plans.

In specific response to your letter of January 26, 1993 I will inform you that the Geryks feel very strongly that they have been put through a long and very

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frustrating ordeal and they are still unsatisfied as to their concerns of what effects this may have caused or even simply why did this occur. However, in an effort to put this behind them, I will offer this letter as a formal demand for actual damages and mental anguish suffered by the Geryk's.

## LIABILITY

As has been stated in numerous previous letters, the screens manufactured by Phifer are defective and have caused an extremely obnoxious odor to emit when exposed to sunlight. This is a situation that Velux Windows has indicated to me that Phifer has been made aware of and steps were taken to correct the problem. It is clear that liability des rest with Phifer.

## EXPENSES

When the Geryks were attempting to determine the source of the odor in the new addition to their house, they incurred many expenses. Specifically, those expenses are as follows:

1. Central air conditioning: \$6,000.00 This was put in to create circulation in an effort to stop the odor.
2. New electrical panel: \$1,000.00 Needed to install air conditioning.
3. Carpeting: \$500.00 Remove new carpet and pad, replace after testing.
4. Attic fan: \$375.00
5. Carpentry: Tear hole in outside of house to test insulation; puncture holes in new wood ceiling to test insulation; patch and repair walls, access to air conditioner.

## MEDICALS

The Geryk's all experienced sore throats, itchy eyes and runny noses. Both of them and their children made routine doctor's visits, however, have not yet any major medical bills.

## PAIN AND SUFFERING

This whole ordeal has been a never ending nightmare for the whole Geryk family. The uncertainty of what was occurring along with the actual inability to

use the new addition created a great deal of mental anguish. Every family has a right to the "quiet enjoyment" of their home and these screens prevented that. The situation resulted in the Geryk's spending numerous hours of their spare time dealing with the problems caused by these defective screens. They built a brand new addition to their home for the purpose of family enjoyment during the warm months and it was totally useless for two summers because of Phifer's screens.

#### SETTLEMENT OFFER

Were this matter to be taken to trial, we would prove that Phifer Wire Products, Inc. was at fault for the damages incurred by Walter and Diane Geryk. The screens in question are clearly defective. Evidence would establish that Phifer was aware of an existing problem and later made attempts to correct these problems. We would present evidence of the extraordinary steps taken by the Geryks to determine the cause of this odor and the great deal of mental anguish the whole episode has caused. We would expect a great amount of litigation in both preparing the presenting this case to a jury and are confident of a substantial jury award for such damages.

For all their damages, I have been authorized by Walter and Diane Geryk to compromise their claims, prior to initiating suit, for the payment of \$30,000.00. This offer will expire May 14, 1993 without further notice. I certainly look forward to discussing this offer and the matter in general well in advance of that date.

Sincerely,

  
William J. Larkin

WJL/jks

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**PHIFER WIRE PRODUCTS, INC.**  
P. O. BOX 1700 • TUSCALOOSA, ALABAMA 35403-1700 U.S.A.  
Phone: 205/345-2120 • Telex: 261326 (PHIF UR)

To: MR WILLIAM J. LARKIN  
LARKIN & SAMOLEWICZ

Fax No.: 413/586-5136

Date: APRIL 20, 1993

No. of Pages (Including Cover): 1

Fax: 205/758-6818

From: CHARLES MORGAN

## FACSIMILE CORRESPONDENCE

Re: Walter and Diane Geryk

Dear Mr. Larkin:

I have just received your letter of April 12, 1993 and immediately faxed it to our general liability insurer, the Home Insurance Company, via Home's local agent, Pritchett-Moore, Inc. I hope that a Home Insurance adjuster will contact you soon and a fair settlement of this claim can be negotiated.

Mr. Geryk called me on March 26, 1993. I told him that it would not be appropriate for me to discuss with him anything related to their legal claim based upon defects in the screening installed in their home a few years ago. He said that he was calling to report that the replacement screening also emits an offensive odor. I suggested that he have this newer fiberglass screening immediately replaced with aluminum screening. He told me that he had both Velux and Pella products in his home. I told him that it would be much quicker for him to arrange for replacement of the screening at his end and then to let Phifer pay or reimburse all expenses rather than having me send the message through the distribution system. I told him that he could call Velux, Pella or any local screen shop he might choose.

If the Geryks are experiencing discomfort and have any concerns whatsoever regarding potential adverse health effects from exposure to their fiberglass screening, I strongly urge them to have that fiberglass screening replaced immediately with aluminum screening. That will immediately and permanently solve the problem and it would lend credence to the claim you will soon be negotiating with the Home Insurance Company. There are some people who have an extremely high sensitivity to plastic products and the smell emitted by those products. Fortunately for manufacturers like Phifer, the percentage of such hypersensitive people is a tiny fraction (below 1%) of the population. Nevertheless, for those people who do have that sensitivity, plastic products can cause a great deal of discomfort.

Phifer Wire Products has encountered very few such consumer complaints during our 41-year history. We are proud to say that we stand behind our products and have the goal of 100% consumer satisfaction. We hope that this problem can be resolved promptly to everyone's satisfaction. If you have not been contacted by a representative of the Home Insurance Company by the end of this month, please call me on our toll free number: 800/633-5955.

Sincerely yours,

PHIFER WIRE PRODUCTS, INC.

*Charles Morgan*  
Charles Morgan

cc: Ms. Mary Lee  
Pritchett-Moore, Inc. *92*



# PHIFER WIRE PRODUCTS, INC.

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■ CHARLES E. MORGAN  
Executive Vice President and Corporate Counsel

May 7, 1993

Mr. William J. Larkin  
Larkin & Samolewicz  
8 Bridge Street  
Northhampton, MA 01060

Re: Walter & Diane Geryk

Dear Mr. Larkin:

As we discussed, I am sending you the rest of the research data that I have on the question of emissions from fiberglass screening material. You already have Dr. Meeks' report and the Envirocomp report. Enclosed you will find a copy of a report from Health Effects Group, Inc. dated November 25, 1991. That was the first research done on this subject and it was done by a scientist and an organization that were selected and retained without the knowledge or consent of Phifer Wire. In other words, it was a totally independent study just like the Envirocomp study. Also enclosed is a complete copy of a draft report on "Indoor Air Quality Evaluation at Three Selected Homes in Southeastern Michigan" that was conducted by Clayton Environmental Consultants of Novi, Michigan. The Clayton study was done at the request of two homeowners in Michigan who were concerned about the screen odors and wanted the odors tested in their homes.

All of the studies, with the possible exception of the Envirocomp study, are somewhat technical and difficult to understand. Three months ago, I contacted Dr. Crutchfield in Arizona and asked him to review his 1991 research data and the results of the other three studies and to write us a summary report of all the findings. I have enclosed a copy of his "Summary of Study Findings" dated April 27, 1993.

Last year, a decision was made to test all of our products and to retest them whenever formulation changes are made. I sent samples of our current production material to the University of Alabama Department of Environmental Health Sciences for analysis. Since we received the recent adverse publicity, we have received calls from consumers who did not understand that the news report was based on material manufactured during 1988 and 89 and they asked if their new Phifer screening was safe. Dr. Meeks still has not put together all of that 1992 data into a full formal report, but he reviewed that data and gave us a short summary statement which is dated May 4, 1993. I have enclosed a copy of that statement because I know that information will be of concern to Mr. and Mrs. Geryk.

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